

PUBLIC NOTICE

Marshall County

Bluegrass Incineration Services LLC (Formerly Known as LWD)
TENTATIVE APPROVAL OF A HAZARDOUS WASTE FACILITY
CLOSURE PLAN AND PUBLIC HEARING ANNOUNCEMENT

EPA ID KYD-088-438-817, AI 51529

The Kentucky Environmental and Public Protection Cabinet's (Cabinet) Division of Waste Management (Division) has tentatively approved a Closure Plan for Bluegrass Incineration Services, LLC (formerly known as LWD). Bluegrass Incineration Services is located at 2475 Industrial Parkway, Calvert City, Kentucky.

A **Public Hearing is scheduled** for February 23, 2006 at 7:00 pm at the Calvert City Civic Center. The Civic Center is located at 1515 5th Avenue, Calvert City, Kentucky.

This tentative approval will allow for activities to remove and properly dispose of remaining hazardous waste stored in tanks and containers at the facility. The Closure Plan includes cleanup, demolition, and removal of some of the process equipment and buildings. The Closure Plan includes soil sampling.

This closure plan does not provide adequate financial assurance. The Division has issued two (2) Notices of Deficiencies to the facility regarding financial assurance. This issue is still unresolved.

Why does Bluegrass Incineration Services need a Closure Plan?

LWD operated a hazardous waste incinerator at the site from 1969 until 2003. In 1980, they were granted Interim Status (non-permitted) to continue operating, until a permit application could be submitted and processed. On October 22, 2003, the Division made a final determination to terminate Interim Status, and ordered the facility to properly close in accordance with 401 KAR 35:070.

On December 5, 2003, The United States Bankruptcy Court for the Western District of Kentucky, Paducah Division, stayed the determination and ordered the sale of the facility in Bankruptcy Court. The stay was later overturned by the Cabinet on appeal.

On March 9, 2004, LWD and a related company, General Environmental Services LLC entered into an Agreed Order with the Cabinet not to enforce termination of Interim Status until September 30, 2004 contingent upon certain conditions being met. The terms of the Agreed Order were breached and The Office of Administrative Hearings ruled that Interim Status was terminated no later than September 30, 2004.

How can I tell Kentucky Division of Waste Management what I think about this tentative approval? The Cabinet encourages public involvement and welcomes comments. Anyone wishing to comment on our tentative approval of this Closure Plan should submit comments to the Cabinet on or before **February 23, 2006**, the close of the public comment period. Comments can be submitted electronically to dede.grisham@ky.gov, or mailed to: April J. Webb, P.E., Manager, Hazardous Waste Branch, Division of Waste Management, 14 Reilly Road, Frankfort, KY 40601, (502) 564-6716, ext. 676. Comments can also be made at the Public Hearing on February 23, 2006.

Where can I review the documents used to make this tentative decision?

Marshall County Public Library- Calvert City Branch, 1315 5th Ave. SE, Calvert City, KY, 42029. Contact Nancy Petty at (270) 395-5745.

Division of Waste Management, 14 Reilly Road, Frankfort, Kentucky 40601, Attn: Maria Wood. Contact Ms. Wood by writing to her at the above address, calling (502) 564-6716, ext. 636, or by fax, (502)564-9232.

What will KY Division of Waste Management do with the comments they receive? All comments received on or before **February 23, 2006**, will be carefully considered in making a final decision. Anyone submitting a comment will be mailed a "response to public comments," document specifying any changes made or not made (with the reasons why) as a result of comments submitted.

Any person who may be aggrieved by the final decision to accept this variance request may file a petition with the Cabinet that sets forth the grounds of the objection and demands a formal hearing pursuant to KRS 224.10-420(2). This type of hearing is held before a hearing officer. All parties are advised to have legal counsel present.

The Kentucky Division of Waste Management does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual orientation, gender identity, ancestry, veteran status or disability. The Division provides, on request, reasonable accommodations necessary to afford an individual with a disability an equal opportunity to participate in all services, programs and activities. To request alternative formats for printed information, and/or to be placed on the Hazardous Waste Branch's mailing list to receive relevant updates on this matter, contact DeDe Grisham at (502) 564-6716, ext. 163.